



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,492	06/22/2001	Luis M. Ortiz	ORTIZ-1001	7719
7590	02/23/2004		EXAMINER	
KERMIT D. LOPEZ/LUIS M. ORTIZ ORTIZ & LOPEZ, PLLC, PATENT ATTORNEYS P.O. BOX 4484 ALBUQUERQUE, NM 87196-4484			ELAHEE, MD S	
			ART UNIT	PAPER NUMBER
			2645	4
			DATE MAILED: 02/23/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/887,492	LUIS M. ORTIZ
	Examiner Md S Elahee	Art Unit 2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 32-78 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-31 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>02</u> .	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Restriction Requirement

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Group I. Claims 1-31, drawn to To or from mobile station under the title ‘Transmitter and receiver at separate stations’, classified in Class 455, subclass 517.
 - Group II. Claims 32-35 & 73-75, drawn to Location monitoring under the title ‘Radiotelephone system’, classified in Class 455, subclass 456.1.
 - Group III. Claims 36-72, drawn to Call diversion under the title ‘Radiotelephone system’, classified in Class 455, subclass 417.
 - Group IV. Claims 76-78, drawn to Home location registration (HLR) or visitor location registration (VLR) detail under the title ‘Radiotelephone system’, classified in Class 455, subclass 433.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions Group I. Claims 1-31, drawn to brokering data between wireless devices and data rendering devices, Group II. Claims 32-35 & 73-75, drawn to locating a DRD based on WD user profile, Group III. 36-72, drawn to data delivery request initiated by a WD to a DRD and Group IV. Claims 76-78, drawn to storage of information regarding physical locations & network addresses for DRD, are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In this instant case, invention Group I has separate utility such as for use in brokering data between wireless devices and data rendering devices, Group II has separate utility such as for use in locating a DRD based on WD user profile, Group III has separate utility such as for use in data delivery request initiated by a WD to a DRD and Group IV has separate utility

such as for use in storage of information regarding physical locations & network addresses for DRD. See M.P.E.P. § 806.05(d).

3. Because these inventions are distinct for the reason given above and the search required for Group I is not required for Group II as well as Group III and Group IV, restriction for examination purposes as indicated proper.

4. During a telephone conversation with Kermit D. Lopez on 02/04/04 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-31. Affirmation of this election must be made by applicant in responding to this Office action. Claims 32-78 are withdrawn from further consideration by the Examiner, 37 C.F.R. § 1.142(b), as being drawn to a non-elected invention.

5. **Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application.** Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 31 recites the limitation "said DRD renders data to said DRD" in line 1, on page 36. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-11 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Tayama (U.S. Patent No. 6,625,580).

Regarding claim 1, Tayama teaches selecting data from a goods input device (i.e., wireless device (WD)) for rendering at a display (i.e., data rendering device (DRD)) (col.3, lines 50-67, col.4, lines 1-5).

Tayama further teaches selecting a display (i.e., DRD) for rendering data (col.4, lines 1-5).

Tayama further teaches providing data to the display (i.e., DRD) based on inputting goods codes (i.e., commands entered) at the goods input device (i.e., WD) (col.2, lines 37-42, col.3, lines 50-67, col.4, lines 1-5).

Regarding claim 2, Tayama teaches that the display (i.e., DRD) renders data after a render command is provided to the display (i.e., DRD) by a WD user (col.2, lines 37-42, col.3, lines 50-67, col.4, lines 1-5).

Regarding claim 3, Tayama teaches that the render command includes a code (i.e., passcode) (col.2, lines 37-42).

Regarding claim 4, Tayama teaches rendering of data by the display (i.e., DRD) is controlled by the goods input device (i.e., WD) (col.2, lines 37-42, col.3, lines 50-67, col.4, lines 1-5).

Regarding claim 5, Tayama teaches that the data is provided to the DRD directly from the WD (fig.2; col.4, lines 1-5, 38-61).

Regarding claim 6, Tayama teaches that data is provided to the DRD via a network supporting the DRD after a WD user identifies the DRD to a network supporting the WD, wherein a render command is provided by the WD user to the network in support of the WD and the network in support of the WD facilitates transfer of data to the network supporting the DRD (fig.2, fig.8; col.2, lines 37-42, col.3, lines 50-67, col.4, lines 1-5, 38-61).

Regarding claim 7, Tayama teaches that data is rendered by the DRD after the render command is provided by the WD user to the DRD (fig.2, fig.8; col.2, lines 37-42, col.3, lines 50-67, col.4, lines 1-5, 38-61).

Regarding claim 8, Tayama teaches that the data is retrieved from a ROM 36 (i.e., mailbox) assigned to the WD user only after the WD user provides a passcode to the DRD, and wherein the DRD renders the data after the data is delivered to the DRD (fig.2; col.4, lines 1-5, 38-61).

Regarding claim 9, Tayama teaches that the passcode is provided to the DRD by the WD (col.6, lines 4-19).

Regarding claim 10, Tayama teaches that the passcode is provided at a user interface located within the DRD (fig.2; col.4, lines 1-5, 38-61).

Regarding claim 11, Tayama teaches that the command includes inherently decryption coding (col.2, lines 37-42, col.4, lines 1-5, 38-61).

Regarding claim 14, Tayama teaches that the network further provides WD with a passcode for use at the DRD to render data as part of the WD user command (col.2, lines 37-42, col.4, lines 1-5, 38-61).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tayama (U.S. Patent No. 6,625,580) and in view of Borza (U.S. Patent No. 6,076,167).

Regarding claim 12, Tayama fails to teach “said passcode includes at least one biometric”. Borza teaches that the passcode includes at least one biometric (col.8, lines 65-67). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tayama to allow passcode including at least one biometric as taught by Borza. The motivation for the modification is to have doing so in order to provide reduce the information transmitted to the server to a subset of the biometric information.

12. Claims 13 and 15-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tayama (U.S. Patent No. 6,625,580) and in view of Irvin (U.S. Patent No. 6,360,101).

Regarding claim 13, Tayama fails to teach “requesting a network supporting the WD to locate at least one DRD based upon a WD user profile and the network provides the WD with location information for at least one DRD”. Irvin teaches requesting a network supporting the

WD to locate at least another party's phone (i.e., one DRD) based upon a WD user location (i.e., profile) and the network provides the WD with location information for at least another party's phone (i.e., one DRD) (abstract; fig.1; col.1, lines 43-61). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tayama to allow requesting a network supporting the WD to locate at least one DRD based upon a WD user profile and the network provides the WD with location information for at least one DRD as taught by Irvin. The motivation for the modification is to have doing so in order to provide the send message to the target location.

Regarding claims 15 and 30 are rejected for the same reasons as discussed above with respect to claims 1 and 13.

Regarding claims 16, 17, 28 and 29 are rejected for the same reasons as discussed above with respect to claim 6.

Regarding claims 18-21 are rejected for the same reasons as discussed above with respect to claims 7-10 simultaneously.

Regarding claims 22-25 are rejected for the same reasons as discussed above with respect to claims 2-5 simultaneously.

Regarding claims 26 and 27 are rejected for the same reasons as discussed above with respect to claims 1 and 5.

Regarding claim 31, Tayama teaches that the goods input device (i.e., WD) renders data to the display (i.e., DRD) after a render command is provided by an authorized user associated with the WD (fig.2, fig.8; col.2, lines 37-42, col.3, lines 50-67, col.4, lines 1-5, 38-61).

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tryding (U.S. Patent 5,880,732) teach apparatus enabling usage of external display monitor with a mobile telephone.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alam Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

M.E.
MD SHAFIUL ALAM ELAHEE
February 11, 2004

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

